

# Local Government Employee-Management Relations Board E-Newsletter

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April 2014

## Members of the Board

Philip E. Larson, Chairman

Sandra Masters, Vice-Chairman

Brent C. Eckersley, Esq., Board Member

## Staff

Bruce K. Snyder, Commissioner

Yvonne V. Martinez, Board Secretary

## On the Horizon

The next meeting of the Board, which originally was to have been held on April 1<sup>st</sup> through 3<sup>rd</sup>, will instead be held April 22<sup>nd</sup> through 24<sup>th</sup>. The agenda for this meeting will be on our website, [www.emrb.state.nv.us](http://www.emrb.state.nv.us), by the close of business on Monday, April 14<sup>th</sup>. Any stipulations or other documents for this meeting need to be filed with the EMRB by Friday, April 11<sup>th</sup> in order to appear on this agenda.

It is anticipated that at this meeting the Board will be setting the rate for the annual assessment to be paid by the local governments for the upcoming fiscal year.

The following meeting of the Board is scheduled for May 6<sup>th</sup> through 8<sup>th</sup>. We anticipate that the agenda for this meeting will be on our website on Monday, April 28<sup>th</sup>. Any stipulations or other documents for this meeting need to be filed with the EMRB by Friday, April 25<sup>th</sup> in order to appear on that agenda.

## Inside This Issue

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## In the Queue...

Once initial pleadings, including pre-hearing statements, have been filed with the EMRB and after any motions to dismiss or defer have been decided, then a case typically goes into a queue, waiting for the Board to decide whether to grant a hearing in the case or dismiss the complaint. Below is a description of the current queue:

The hearing for the April meeting is the continuation of the bifurcated hearing for two consolidated cases: A1-046047, IAFF, Local 1607 v. City of North Las Vegas, and A1-046069, North Las Vegas Police Officers Assoc. v. City of North Las Vegas. At the hearing in March the Board heard and decided on the definition of the word "emergency" under NRS 288 (read below for the decision). This second part of the hearing concerns other aspects of this case.

The case scheduled for May is A1-046095, Nye County Management Employees Association v. Nye County. This case concerns a new provision in NRS 288 which amended the definition of the term "supervisor."

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## In the Queue... (cont.)

A1-046099, July Wright v. Lyon County is scheduled for hearing in June in Carson City.

A1-046106, Michael Turner v. Clark County School District is scheduled for July.

A1-045847 - A1-045864, Deborah Boland et al. v. SEIU, Local 1107 & NSEU is scheduled for August.

The following cases are waiting for the Board to deliberate and decide on the status of the case, including, but not limited to, dismissal of the case or the granting of a hearing on the complaint. Please note that the order listed below is not necessarily the order in which the cases will be heard.

### In Las Vegas:

A1-046091, Jarod Barto et al v. City of Las Vegas

A1-046102, North Las Vegas Police Supervisors Assoc. v. City of North Las Vegas

A1-046108, Las Vegas City Employees Assoc. & Val Sharp v. City of Las Vegas

A1-046054 & A1-046080, North Las Vegas Police Supv. Assoc. v. City of North Las Vegas (consolidated cases)

### In the Carson City/Reno area:

A1-046098, Washoe County Principals Assn. v. Washoe County School District

A1-046105, Douglas County Support Staff Assn. v. Douglas County School District



*New and Improved EMRB website coming soon...*

## Under Construction

At the open forum held in January we mentioned several alternatives on how to make our orders more accessible to our user community. At the same meeting we heard from you that you would like these orders to also be searchable. Since then we have been investigating several alternatives.

We had hoped that our new website, currently under construction, could accommodate searchable orders. However, we have learned that this can only be done at a great expense since the standard websites do not have searching capabilities. We still plan on putting the orders on our website so they may be printed by you.

However, we have also found an alternative to make our orders searchable. The Legislative Counsel Bureau annually issues the Nevada Law Library on CD. This CD contains all Nevada statutes, administrative rules, Supreme Court decisions, court rules, etc. A test of some of our orders has confirmed that there are no technical issues related to placing our orders on this CD. Moreover, the LCB has consented to placing our orders on their product with their next release. We would like your comments as to whether this proposed solution would work for you. Please e-mail us at [emrb@business.nv.gov](mailto:emrb@business.nv.gov).

## Recent Decisions

\*Please note that these summaries are provided for informational purposes only and are not intended to substitute for the opinions of the Board. These summaries should not be cited to or regarded as legal authority. The EMRB will provide copies of the decisions upon request.

A1-046000, Pamela Vos v. City of Las Vegas and Las Vegas Peace Officers Association (Item No. 749)

Ms. Vos filed a complaint against her employer, the City of Las Vegas, claiming that her layoff in 2010 was in violation of law. Specifically, she alleged that the layoff was not in compliance with a prior Board order from the 1990's about the reclassification of her Senior Corrections Officer position, that the City had engaged in bad faith bargaining over the layoff, that her layoff was due to discrimination on the basis of her age and race, and that her layoff was due to personal reasons. Her complaint further alleged various violations of federal and state law as well as breach of contract claims. The complaint also was against her union, the LVPOA, alleging that they breached the duty of fair representation in their representation of her with respect to her layoff. The Board found in favor of the employer and union in all respects. Because the case touches on so many areas, the opinion, which is seventeen pages long, is a primer on many aspects of EMRB law and therefore is a must read for those either representing claimants or those defending similar allegations.

A1-046047, IAFF, Local 1607 v. City of North Las Vegas, and A1-046069, North Las Vegas Police Officers Assoc. v. City of North Las Vegas (Item No. 794)

In this case the Board decided the meaning of the word "emergency" in NRS 288.150(4). The Board held that the term "emergency" does not include financial emergencies. In arriving at its decision, the Board focused on all of NRS 288.150, noting two other provisions in that statute that allow local governments to manage financial emergencies. These include the management right under NRS 288.150(3) to conduct layoffs due to lack of funds and under NRS 288.150(2)(w) to include a reopener clause in multi-year collective bargaining agreements.

## Practice Tips

Each month the EMRB receives proposed stipulations and orders ("Stips"). These Stips seek to extend filing deadlines or request that a case be dismissed. These Stips need to be approved by our Board. If and when approved, if the Stip has the language as presented below, we can then immediately issue it. However, when the Stip is either in letter form or does not contain the language below, the process of issuing the Stip can be set back in order for the EMRB to draft a separate order. To expedite the issuance of your Stips, please ensure that they have the following at the bottom of the document:

IT IS SO ORDERED...

\_\_\_\_\_  
EMRB Chairman

\_\_\_\_\_  
Date

Stipulations to dismiss should also include the following language in the body of the Stip: "pursuant to NRS 233B.121(5), the parties waive the requirement for findings of fact and conclusions of law."

### "About the EMRB"

The EMRB, a Division of the Department of Business and Industry, is the Nevada state agency involved in the process of collective bargaining and labor relations for local government employers, local government employees and employee associations or unions. Created by Nevada Revised Statute 288, the agency provides resolution of unfair labor practices; resolution of issues related to mandatory bargaining subjects; resolution of disputes related to recognition and determinations regarding appropriate bargaining units. In summary, the law governs concerted activities on the part of local government as it relates to the collective bargaining process. The goal of the EMRB is to foster the collective bargaining process, to provide support to those involved in said process, and to settle disputes as they arise in a neutral and timely manner.